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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,900	12/11/1998	HIDEAKI TANI	SUSU113236	6354
26389	7590	03/18/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/209,900

Applicant(s)

TANI ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60, 61 and 63-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60, 61 and 63-68 is/are rejected.
- 7) ☒ Claim(s) 60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 60, 61, and 63-68 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 60 is objected to because of the following informalities: in line 18, "each of the packet of the packet identifier" should be "each of the packet identifiers"; in line 22, "deleting" should be "deletes"; in line 27, "adjusted information" should be "band-limited information"; and in line 30, "unadjusted" should be "not band-limited". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 60, 61, and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (USPN 5,940,387) in view of Ito et al (USPN 6,014,693) in further view of Gerszberg et al. (USPN 6,307,839) in further view of Barton et al. (USPN 6,233,389).
5. Regarding claim 60, Humpleman discloses a stream distribution system comprising: a stream distribution server (ref. 30: entrance unit), a plurality of terminal devices each having an information reproduction function (televisions), and a local area network connecting the stream distribution server and the terminal devices (digital network installed in the home), wherein the stream distribution server comprises: at least two receptors (NIU) each for receiving stream data

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transmitted through a broadcasting network and stream data transmitted through a communication network, the stream data comprising information arranged in packets, and a packet identifier being added to each packet (col. 1, line 66-col. 2, line 26 and col. 3, lines 18-32); a selector for selecting a predetermined unit of information from the stream data received by the receptors according to a distribution request received from each of the terminal devices, for mixing the information received from the broadcasting network and the communication network, and for branching the information to a transmitter and a file I/O controller (col. 2, lines 10-16 and col. 3, lines 18-40) where it is implicit that a selector is used to select data from a broadcast network and a mixer is used to mix the information from the different networks; the transmitter selectively transmitting the information received from the selector to each of the terminal devices (col. 3, lines 18-40 and col. 3, line 53-col. 4, line 14); and the file I/O controller for controlling a file device and for outputting the information received from the selector to the file device (col. 3, lines 18-40 and col. 3, line 53-col. 4, line 14).

Humpleman does not expressly disclose that the transmitter comprises a filter for adjusting a transmission band of the information to be sent to each of the terminal devices so as to selectively transmit the information received from the selector to each of the terminal devices according to data transmission band availability within the local area network so that the information received from the selector by the transmitter is adjusted to correspond to the limited transmission band and the adjusted information is transmitted to the terminal device, while the information received from the selector by the file I/O controller is unadjusted and stored in the file device. However, Humpleman does disclose that the information can comprise compressed and uncompressed data (col. 3, lines 28-31 and col. 3, line 66-col. 4, line 7). Humpleman also

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teaches connecting the file I/O device (DVCR) to a high-speed line in order to ensure continuous data transfer to the I/O device (col. 4, lines 14-29) where it is implicit that this is done in order to ensure that the stored information can be reproduced at the highest possible quality (the information received from the selector by the file I/O controller is unadjusted and stored in the file device). Ito teaches, in an information distribution system, having a transmitter comprise a filter (video index) for adjusting a transmission band of the information to be sent to terminal devices so as to selectively transmit the information to the terminal devices according to data transmission band availability within the local area network (col. 2, line 60-col. 3, line 20) where filter means is broadly interpreted to mean the video index which filters the data stream according to rate instructions. Ito also teaches adjusting received information to correspond to the limited transmission band and the transmitting the adjusted information to a terminal device in order to compensate for high network load (col. 2, line 46-col. 4, line 40). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust a transmission band of the information to be sent to terminal devices so as to selectively transmit the information to the terminal devices according to data transmission band availability within the local area network in order to allow the network to handle high loads while maintaining high quality. As such, Humpleman in view of Ito suggests having the transmitter comprise a filter for adjusting a transmission band of the information to be sent to each of the terminal devices so as to selectively transmit the information received from the selector to each of the terminal devices according to data transmission band availability within the local area network so that the information received from the selector by the transmitter is adjusted to correspond to the limited transmission band and the adjusted information is transmitted to the terminal device, while the

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information received from the selector by the file I/O controller is unadjusted and stored in the file device in order to transmit data over a congested transmission network at the highest possible quality while ensuring that any stored information can be reproduced at the highest possible quality.

Humpleman in view of Ito does not expressly disclose that the filter comprises a priority table correlating each of the packet of the packet identifier with a packet priority, the filter refers to the priority table to determine the packet priority of each of the packets, and limits a transmission band of the information to be sent to each of the terminal devices or deleting the information to be sent according to the distribution request, by performing packet filtering based on the packet priority, and when a transmission band allocated to one of the terminal devices requesting the information is limited, the selector outputs the information to the transmitter and the file I/O controller, wherein the information received from the selector by the transmitter is band-adjusted to correspond to the limited transmission band and the adjusted information is transmitted to the terminal device or the information received from the selector by the transmitter is deleted by the filter according to the priority table. Gerszberg teaches, in a system for controlling bandwidth over a congested link, having a filter comprise a priority table correlating each of the packet of the packet identifier with a packet priority (col. 2, lines 48-63 and col. 10, lines 39-55) where a priority table is implicit in a prioritization scheme, the filter refers to the priority table to determine the packet priority of each of the packets, and limits a transmission band (decrease bandwidth allocation) of the information to be sent to each of the terminal devices or deletes (drops) the information to be sent according to the distribution request, by performing packet filtering based on the packet priority (col. 2, line 48-col. 3, line 3 and col. 10,

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lines 39-55), and when a transmission band allocated to one of the terminal devices requesting the information is limited, at least storing (buffering) the information, wherein the information received by the transmitter is band-adjusted to correspond to the limited transmission band (col. 2, line 48-col. 3, line 3 and col. 10, lines 39-55) or the information received by the transmitter is deleted by the filter according to the priority table (col. 2, line 48-col. 3, line 3 and col. 10, lines 39-55). Gerszberg's system optimizes bandwidth (col. 3, lines 4-6). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the filter comprise a priority table correlating each of the packet of the packet identifier with a packet priority, the filter referring to the priority table to determine the packet priority of each of the packets, and limiting a transmission band of the information to be sent to each of the terminal devices or deleting the information to be sent according to the distribution request, by performing packet filtering based on the packet priority, and when a transmission band allocated to one of the terminal devices requesting the information is limited, having the selector output the information to the transmitter and the file I/O controller, wherein the information received from the selector by the transmitter is band-adjusted to correspond to the limited transmission band and the adjusted information is transmitted to the terminal device or the information received from the selector by the transmitter is deleted by the filter according to the priority table in order to optimize bandwidth on the system.

Humpleman in view of Ito in further view of Gerszberg does not expressly disclose that the selector outputs the information to both the transmitter and the file I/O controller at the same time wherein the information received from the selector by the file I/O controller is unadjusted when stored in the file device. However, Humpleman in view of Ito in further view of Gerszberg

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does suggest such a scheme since Humpleman in view of Ito in further view of Gerszberg discloses a system that transmits a program to some end users and stores it for other end users (Gerszberg: col. 7, line 66-col. 8, line 11). Humpleman in view of Ito in further view of Gerszberg also suggests that the stored information is unadjusted when stored since this would result in the stored information being transmitted at the highest quality possible (Gerszberg: col. 2, line 48-col. 3, line 3 and col. 10, lines 39-58). Barton teaches, in a stream distribution system, having a selector outputs the information to both a transmitter and a file I/O controller at the same time in order to permit a viewer to view a television broadcast program with the option instantly review previous scenes in the program (col. 1, line 63-col. 2, line 38). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the selector output the information to both a transmitter and a file I/O controller at the same time wherein the information received from the selector by the file I/O controller is unadjusted when stored in the file device in order to permit a viewer to view a television broadcast program with the option instantly review previous scenes in the program where the newly sent information would be sent using the highest quality possible.

6. Regarding claim 61, Humpleman in view of Ito in further view of Gerszberg in further view of Barton discloses that the file I/O controller outputs the information stored in the file device back to the selector according to a storage data reading request received from one of the terminal devices (Ito: col. 5, lines 17-23 and Gerszberg: col. 7, line 66-col. 8, line 11).

7. Regarding claim 63, Humpleman in view of Ito in further view of Gerszberg in further view of Barton discloses a band limitation setter for setting a limitation on the data transmission band allocated to each of the terminal devices according to the use state of the local area network



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and for constructing the priority table in the filter; wherein the transmitter selectively transmits the information received from the selector to each of the terminal devices according to the limitation set on the data transmission band allocated to each of the terminal devices and by using the filter (Humpleman: col. 2, lines 10-16 and col. 3, lines 18-40; Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18; and Gerszberg: col. 2, lines 48-63 and col. 10, lines 39-55).

8. Regarding claim 64, Humpleman in view of Ito in further view of Gerszberg in further view of Barton suggests that the band limitation setter controls the file I/O controller and the transmitter, and upon receiving a storage data reading request from one of the terminal devices, causes the transmission of the stream data stored in the file device via the selector and the transmitter to the terminal device (Humpleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18; and Gerszberg: col. 7, line 66-col. 8, line 11).

9. Regarding claim 65, Humpleman in view of Ito in further view of Gerszberg in further view of Barton suggests that the band limitation setter, upon receiving a distribution request from one of the terminal devices, changes a branch setting of the selector, and the selector outputs the stream data received from the receptors to the transmitter (Humpleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50).

10. Regarding claim 66, Humpleman in view of Ito in further view of Gerszberg in further view of Barton suggests that the band limitation setter, upon receiving a recording request from one of the terminal devices, changes a branch setting of the selector, and the selector outputs the stream data received from the receptors to the file I/O controller (Humpleman: col. 2, lines 10-

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16; col. 3, lines 18-40; and col. 3, line 59-col. 4, line 4 and Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

11. Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (USPN 5,940,387) in view of Ito et al (USPN 6,014,693) in further view of Gerszberg et al. (USPN 6,307,839) in further view of Barton et al. (USPN 6,233,389) as applied to claim 63 above, and further in view of Budow et al (USPN 5,625,864) in further view of Blahut et al (USPN 5,442,389).

12. Regarding claim 67, Humpleman in view of Ito in further view of Gerszberg in further view of Barton does not expressly disclose that the selector further comprises means for setting a flag to control transmission of the stream data to each of the terminal devices, the means turning off the flag upon receiving a pause request from one of the terminal devices to pause the transmission of the stream data to the terminal device, and turning on the flag upon receiving a resume request from the terminal device to resume the transmission of the stream data to the terminal device. Budow teaches, in a information distribution system, having a selector that accepts a pause request or a resume request from the user and having the selector pause transmission of the stream data to the terminal device according to the pause request and restart transmission of the stream data according to the resume request in order to allow a user to pause a program (col. 3, lines 4-16; col. 4, lines 30-67; col. 5, lines 36-51; and col. 6, lines 25-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to have a setting part that accepts a pause request or a resume request from the user and to have the selector pause transmission of the stream data to the terminal device according to the pause

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request and restarts transmission of the stream data according to the resume request in order to allow a user to pause a program.

Humpleman in view of Ito in further view of Gerszberg in further view of Barton in further view of Budow does not disclose that the selector comprises means for setting a flag to control transmission of the stream data to each of the terminal devices, the means turning off the flag upon receiving a pause request and turning on the flag upon receiving a resume request. Blahut discloses, in a system for transmitting video information, having a flag in a packet indicate whether or not the transmission is paused (col. 8, lines 55-56) where it is implicit that the flag is used in order to control the pause function. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the selector comprises means for setting a flag to control transmission of the stream data to each of the terminal devices, the means turning off the flag upon receiving a pause request and turning on the flag upon receiving a resume request in order to control the pause function.

13. Regarding claim 68, Humpleman in view of Ito in further view of Gerszberg in further view of Barton in further view of Budow in further view of Blahut suggests that the band limitation setter comprises means for controlling the selector and the file I/O controller upon receiving a pause request or a resume request from one of the terminal devices, the means upon receiving a pause request interrupting transmission of the stream data to the terminal device and storing the stream data instead in the file device via the file I/O controller, and the means upon receiving a resume request reading the stream data stored in the file device based on a first-in-first-out processing in parallel with continuously storing the stream data in the file device and transmitting the read-out stream data to the terminal device via the selector and the

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transmitter (Humpleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18; and Blahut: col. 8, lines 55-56).

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liew et al (USPN 5,734,677) see col. 13, lines 58-63 which teaches using filters to perform coding and compression. Hluchyj et al (USPN 5,115,429) see col. 2, line 49-col. 3, line 17 which discloses varying a coding rate of a stream in response to the loading condition of a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

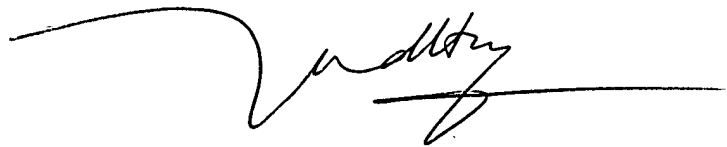
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DJR Daniel J. Ryman

Examiner

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A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600